

1                                    AMENDMENT TO HOUSE BILL 721

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 721 by replacing  
3 everything after the enacting clause with the following:

4            "Section 1. Short Title. This Act may be cited as the  
5 O'Hare Modernization Act.

6            Section 5. Findings and purposes.

7            (a) The Illinois General Assembly finds and determines:

8                    (1) The reliability and efficiency of the State and  
9 national air transportation systems significantly depend  
10 on the efficiency of the Chicago O'Hare International  
11 Airport. O'Hare has an essential role in air  
12 transportation for the State of Illinois. The reliability  
13 and efficiency of air transportation for residents and  
14 businesses in Illinois and other States depend on  
15 efficient air traffic operations at O'Hare.

16                    (2) O'Hare cannot efficiently perform its role in  
17 the State and national air transportation systems unless  
18 it is reconfigured with multiple parallel runways.

19                    (3) The O'Hare Modernization Program will enhance  
20 the economic welfare of the State of Illinois and its  
21 residents by creating thousands of jobs and business  
22 opportunities.

1           (4) O'Hare provides, and will continue to provide,  
2 unique air transportation functions that cannot be  
3 replaced by any other airport in Illinois.

4           (5) Public roadway access through the existing  
5 western boundary of O'Hare to passenger terminal and  
6 parking facilities located inside the boundary of O'Hare  
7 and reasonably accessible to that western access is an  
8 essential element of the O'Hare Modernization Program.  
9 That western access to O'Hare is needed to realize the  
10 full economic opportunities created by the O'Hare  
11 Modernization Program and to improve ground  
12 transportation in the O'Hare area. It is important to the  
13 State that the western access be constructed not later  
14 than the time existing runway 14R-32L is removed from  
15 service.

16           (6) For the reasons stated in paragraphs (1), (2),  
17 (3), (4), and (5), it is essential that the O'Hare  
18 Modernization Program be completed efficiently and  
19 without unnecessary delay.

20           (7) For the reasons stated in paragraphs (1), (2),  
21 (3), (4), and (5), it is essential that acquisition of  
22 property as required for the O'Hare Modernization Program  
23 be completed as expeditiously as practicable.

24           (8) The General Assembly recognizes that the  
25 planning, construction, and use of O'Hare and the  
26 planning, construction, and use of the O'Hare  
27 Modernization Program will be subject to intensive  
28 regulatory scrutiny by the United States and that no  
29 purpose would be served by duplicative or redundant  
30 regulation of the safety and impacts of the airport or  
31 the O'Hare Modernization Program.

32           (9) The General Assembly recognizes that the City  
33 of Chicago has enacted and successfully implemented  
34 ordinances that combat past and ongoing discrimination

1 against minorities and women in the market that competes  
2 for contracts with the City of Chicago. These ordinances  
3 are among the strongest and most successful in the  
4 country, and have made significant progress in combatting  
5 discrimination against minorities and women throughout  
6 northeastern Illinois.

7 (b) It is the intent of the General Assembly that all  
8 agencies of this State and its subdivisions shall facilitate  
9 the efficient and expeditious completion of the O'Hare  
10 Modernization Program to the extent not specifically  
11 prohibited by law, and that legal impediments to the  
12 completion of the project be eliminated.

13 Section 10. Definitions. As used in this Act:

14 "Airport property" means (i) any property or an interest  
15 in property that is, or hereafter becomes, part of O'Hare  
16 International Airport and (ii) any property or an interest in  
17 property that is not part of O'Hare International Airport,  
18 but that is acquired by the City of Chicago for purposes of  
19 air navigation or air safety in accordance with standards  
20 established by the Federal Aviation Administration. "Airport  
21 property", however, shall not include any substitute property  
22 acquired pursuant to Section 15 of this Act, including  
23 property acquired for cemetery purposes.

24 "O'Hare Modernization Program" means the plan for  
25 modernization of O'Hare International Airport by (1)  
26 construction and reconfiguration of runways, taxiways, and  
27 facilities for movement and servicing of aircraft;  
28 construction of western airport access and related roadways;  
29 construction and reconfiguration of roadways, terminals,  
30 passenger transportation facilities, parking facilities, and  
31 cargo facilities; construction of drainage and stormwater  
32 management facilities; and related projects, within the area  
33 bounded on the north, between Carmen Drive and the Union

1 Pacific/Canadian Pacific Railroad, by Old Higgins Road, and  
2 between Old Higgins Road and Touhy Avenue, by the Union  
3 Pacific/Canadian Pacific Railroad, and east of the Union  
4 Pacific/Canadian Pacific Railroad by the northern boundary of  
5 O'Hare existing on January 1, 2003; on the east by the  
6 eastern boundary of O'Hare existing on January 1, 2003; on  
7 the southeast by the southeastern boundary of O'Hare existing  
8 on January 1, 2003; on the south between the eastern boundary  
9 of O'Hare and the Union Pacific Railroad by the southern  
10 boundary of O'Hare existing on January 1, 2003; on the south,  
11 between the Union Pacific Railroad and the east boundary of  
12 York Road by the Canadian Pacific railroad yard; on the west,  
13 between the Canadian Pacific Railroad Yard and the railroad  
14 spur intersecting York Road between Arthur and Pratt Avenues,  
15 by the east boundary of York Road; and on the northwest,  
16 between York Road and the Union Pacific/Canadian Pacific  
17 Railroad, by the railroad spur, and between the railroad spur  
18 and the point at which the extended eastern boundary of  
19 Carmen Drive intersects the Union Pacific/Canadian Pacific  
20 Railroad, by the Union Pacific/Canadian Pacific Railroad, and  
21 between the Union Pacific/Canadian Pacific Railroad and Old  
22 Higgins Road, by the extended eastern boundary of Carmen  
23 Drive and by Carmen Drive; and (2) provision for air  
24 navigation and air safety outside that area in accordance  
25 with standards established by the Federal Aviation  
26 Administration.

27 "O'Hare" means Chicago O'Hare International Airport.

28 "City" means the City of Chicago.

29 Section 15. Acquisition of property. In addition to any  
30 other powers the City may have, and notwithstanding any other  
31 law to the contrary, the City may acquire by gift, grant,  
32 lease, purchase, condemnation (including condemnation by  
33 quick take under Section 7-103.149 of the Code of Civil

1 Procedure), or otherwise any right, title, or interest in any  
2 private property, property held in the name of or belonging  
3 to any public body or unit of government, or any property  
4 devoted to a public use, or any other rights or easements,  
5 including any property, rights, or easements owned by the  
6 State, units of local government, or school districts,  
7 including forest preserve districts, for purposes related to  
8 the O'Hare Modernization Program. The powers given to the  
9 City under this Section include the power to acquire, by  
10 condemnation or otherwise, any property used for cemetery  
11 purposes within or outside of the City, and to require that  
12 the cemetery be removed to a different location. The powers  
13 given to the City under this Section include the power to  
14 condemn or otherwise acquire (other than by condemnation by  
15 quick take under Section 7-103 of the Code of Civil  
16 Procedure), and to convey, substitute property when the City  
17 reasonably determines that monetary compensation will not be  
18 sufficient or practical just compensation for property  
19 acquired by the City in connection with the O'Hare  
20 Modernization Program. The acquisition of substitute property  
21 is declared to be for public use. Property acquired under  
22 this Section includes property that the City reasonably  
23 determines will be necessary for future use, regardless of  
24 whether final regulatory or funding decisions have been made;  
25 provided, however, that quick-take of such property is  
26 subject to Section 7-103.149 of the Code of Civil Procedure.

27 Section 20. Condemnation by other governmental units. No  
28 airport property may be subject to taking by condemnation or  
29 otherwise by any unit of local government other than the City  
30 of Chicago, or by any agency, instrumentality, or political  
31 subdivision of the State.

32 Section 21. Reimbursement for tax base losses.

1           (a) Whenever the City acquires parcels of property  
2 within any school district or community college district for  
3 the O'Hare Modernization Program, the City shall, for the  
4 following taxable year and for each of the 5 taxable years  
5 thereafter, pay to that district the amount of the total  
6 property tax liability of the acquired parcels to the  
7 district for the 2002 taxable year, increased or decreased  
8 each year by the percentage change of the district's total  
9 tax extension for the current taxable year from the total tax  
10 extension for the prior taxable year; provided that no annual  
11 increase shall exceed the lesser of 5% or the annual increase  
12 in the Consumer Price Index. Funds payable by the City under  
13 this Section shall be paid exclusively from non-tax revenues  
14 generated at airports owned by the City, and shall not exceed  
15 the amount of those funds that can be paid for that purpose  
16 under 49 U.S.C. 47107(1)(2).

17           (b) Notwithstanding any other provision of this Section:  
18 (i) no funds shall be payable by the City under this Section  
19 with respect to any taxable year succeeding the 2009 taxable  
20 year; (ii) in no event shall such funds be payable on or  
21 after January 1, 2010; (iii) in no event shall the total  
22 funds paid by the City pursuant to this Section to all  
23 districts for all taxable years exceed \$20,000,000; and (iv)  
24 any amounts payable to a district by the City with respect to  
25 any parcel of property for any taxable year shall be reduced  
26 by the amount of taxes actually paid to the district for that  
27 taxable year with respect to that parcel or any leasehold  
28 interest therein.

29           (c) Whenever the City acquires property that is subject  
30 to this Section, the City shall notify the assessor of the  
31 county in which the property is located. The assessor or the  
32 clerk of that county shall, on an annual basis, notify the  
33 affected school district or community college district of all  
34 property that has been identified as being subject to this

1 Section, and shall provide the district and the City with  
2 such information as may be required in determining the  
3 amounts payable by the City under this Section. The City  
4 shall make payments as required by this Section no later than  
5 90 days after that information is received and verified by  
6 the City.

7 (d) As used in this Section, "Consumer Price Index"  
8 means the Consumer Price Index for All Urban Consumers for  
9 all items published by the United States Department of Labor.

10 Section 25. Jurisdiction over airport property. Airport  
11 property shall not be subject to the the laws of any unit of  
12 local government except as provided by ordinance of the City.  
13 Plans of all public agencies that may affect the O'Hare  
14 Modernization Program shall be consistent with the O'Hare  
15 Modernization Program, and to the extent that any plan of any  
16 public agency or unit or division of State or local  
17 government is inconsistent with the O'Hare Modernization  
18 Program, that plan is and shall be void and of no effect.

19 Section 27. Minority and women-owned businesses and  
20 workers. All City contracts for the O'Hare Modernization  
21 Program shall be subject to all applicable ordinances of the  
22 City governing contracting with minority and women-owned  
23 businesses and prohibiting discrimination and requiring  
24 appropriate affirmative action with respect to minority and  
25 women participants in the work force, including but not  
26 limited to Section 2-92-330 of the Municipal Code of the City  
27 of Chicago (relating to hiring of Chicago residents), Section  
28 2-92-390 of the Municipal Code of the City of Chicago  
29 (relating to hiring of women and minorities), and Sections  
30 2-92-420 through 2-92-570 of the Municipal Code of the City  
31 of Chicago (relating to contracting with minority-owned and  
32 women-owned business enterprises), to the extent permitted by

1 law and federal funding restrictions. The City of Chicago  
2 shall file semi-annual reports with the General Assembly  
3 documenting compliance with such ordinances with respect to  
4 work performed as part of the O'Hare Modernization Program  
5 and disclosing the extent to which that work is performed by  
6 minority and women workers and minority-owned and women-owned  
7 business enterprises.

8 Section 30. Home Rule. It is declared to be the law of  
9 this State, pursuant to paragraph (h) of Section 6 of Article  
10 VII of the Illinois Constitution, that the regulation and  
11 supervision of the City of Chicago's implementation of the  
12 O'Hare Modernization Program is an exclusive State function  
13 that may not be exercised concurrently by any unit of local  
14 government.

15 Section 90. The Archeological and Paleontological  
16 Resources Protection Act is amended by adding Section 1.5 as  
17 follows:

18 (20 ILCS 3435/1.5 new)

19 Sec. 1.5. O'Hare Modernization. Nothing in this Act  
20 limits the authority of the City of Chicago to exercise its  
21 powers under the O'Hare Modernization Act or requires that  
22 City, or any person acting on behalf of that City, to obtain  
23 a permit under this Act when acquiring property or otherwise  
24 exercising its powers under the O'Hare Modernization Act.

25 Section 91. The Human Skeletal Remains Protection Act is  
26 amended by adding Section 4.5 as follows:

27 (20 ILCS 3440/4.5 new)

28 Sec. 4.5. O'Hare Modernization. Nothing in this Act  
29 limits the authority of the City of Chicago to exercise its

1 powers under the O'Hare Modernization Act or requires that  
 2 City, or any person acting on behalf of that City, to obtain  
 3 a permit under this Act when acquiring property or otherwise  
 4 exercising its powers under the O'Hare Modernization Act.

5 Section 92. The Illinois Municipal Code is amended by  
 6 changing Sections 11-51-1, 11-102-2, and 11-102-4 as follows:

7 (65 ILCS 5/11-51-1) (from Ch. 24, par. 11-51-1)

8 Sec. 11-51-1. Cemetery removal. Whenever any cemetery is  
 9 embraced within the limits of any city, village, or  
 10 incorporated town, the corporate authorities thereof, if, in  
 11 their opinion, any good cause exists why such cemetery should  
 12 be removed, may cause the remains of all persons interred  
 13 therein to be removed to some other suitable place. However,  
 14 the corporate authorities shall first obtain the assent of  
 15 the trustees or other persons having the control or ownership  
 16 of such cemetery, or a majority thereof. When such cemetery  
 17 is owned by one or more private parties, or private  
 18 corporation or chartered society, the corporate authorities  
 19 of such city may require the removal of such cemetery to be  
 20 done at the expense of such private parties, or private  
 21 corporation or chartered society, if such removal be based  
 22 upon their application. Nothing in this Section limits the  
 23 powers of the City of Chicago to acquire property or  
 24 otherwise exercise its powers under Section 15 of the O'Hare  
 25 Modernization Act.

26 (Source: P.A. 87-1153.)

27 (65 ILCS 5/11-102-2) (from Ch. 24, par. 11-102-2)

28 Sec. 11-102-2. Every municipality specified in Section  
 29 11-102-1 may purchase, construct, reconstruct, expand and  
 30 improve landing fields, landing strips, landing floats,  
 31 hangers, terminal buildings and other structures relating

1 thereto and may provide terminal facilities for public  
2 airports; may construct, reconstruct and improve causeways,  
3 roadways, and bridges for approaches to or connections with  
4 the landing fields, landing strips and landing floats; and  
5 may construct and maintain breakwaters for the protection of  
6 such airports with a water front. Before any work of  
7 construction is commenced in, over or upon any public waters  
8 of the state, the plans and specifications therefor shall be  
9 submitted to and approved by the Department of Transportation  
10 of the state. Submission to and approval by the Department of  
11 Transportation is not required for any work or construction  
12 undertaken as part of the O'Hare Modernization Program as  
13 defined in Section 10 of the O'Hare Modernization Act.

14 (Source: P.A. 81-840.)

15 (65 ILCS 5/11-102-4) (from Ch. 24, par. 11-102-4)

16 Sec. 11-102-4. Every municipality specified in Section  
17 11-102-1 may contract for the removal or relocation of all  
18 buildings, railways, mains, pipes, conduits, wires, poles,  
19 and all other structures, facilities and equipment which may  
20 interfere with the location, expansion or improvement of any  
21 public airport, or with the safe approach thereto or take-off  
22 therefrom by aircraft, and may acquire by gift, grant, lease,  
23 purchase, condemnation or otherwise any private property,  
24 public property or property devoted to any public use or  
25 rights or easements therein for any purpose authorized by  
26 this Section and Sections 11-102-1 through 11-102-3. Nothing  
27 in this Section limits the powers of the City of Chicago to  
28 acquire property or otherwise exercise its powers under  
29 Section 15 of the O'Hare Modernization Act.

30 (Source: Laws 1961, p. 576.)

31 Section 93. The Downstate Forest Preserve District Act  
32 is amended by changing Section 5e as follows:

1 (70 ILCS 805/5e) (from Ch. 96 1/2, par. 6308e)

2 Sec. 5e. Property owned by a forest preserve district  
3 shall not be subject to eminent domain or condemnation  
4 proceedings, except as otherwise provided in Section 15 of  
5 the O'Hare Modernization Act.

6 (Source: P.A. 85-993.)

7 Section 93.5. The Vital Records Act is amended by  
8 changing Section 21 as follows:

9 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

10 Sec. 21. (1) The funeral director or person acting as  
11 such who first assumes custody of a dead body or fetus shall  
12 make a written report to the registrar of the district in  
13 which death occurred or in which the body or fetus was found  
14 within 24 hours after taking custody of the body or fetus on  
15 a form prescribed and furnished by the State Registrar and in  
16 accordance with the rules promulgated by the State Registrar.  
17 Except as specified in paragraph (2) of this Section, the  
18 written report shall serve as a permit to transport, bury or  
19 entomb the body or fetus within this State, provided that the  
20 funeral director or person acting as such shall certify that  
21 the physician in charge of the patient's care for the illness  
22 or condition which resulted in death has been contacted and  
23 has affirmatively stated that he will sign the medical  
24 certificate of death or the fetal death certificate. If a  
25 funeral director fails to file written reports under this  
26 Section in a timely manner, the local registrar may suspend  
27 the funeral director's privilege of filing written reports by  
28 mail. In a county with a population greater than 3,000,000,  
29 if a funeral director or person acting as such inter or  
30 entombs a dead body without having previously certified that  
31 the physician in charge of the patient's care for the illness  
32 or condition that resulted in death has been contacted and

1 has affirmatively stated that he or she will sign the medical  
2 certificate of death, then that funeral director or person  
3 acting as such is responsible for payment of the specific  
4 costs incurred by the county medical examiner in disinterring  
5 and reintering or reentombing the dead body.

6 (2) The written report as specified in paragraph (1) of  
7 this Section shall not serve as a permit to:

8 (a) Remove body or fetus from this State;

9 (b) Cremate the body or fetus; or

10 (c) Make disposal of any body or fetus in any  
11 manner when death is subject to the coroner's or medical  
12 examiner's investigation.

13 (3) In accordance with the provisions of paragraph (2)  
14 of this Section the funeral director or person acting as such  
15 who first assumes custody of a dead body or fetus shall  
16 obtain a permit for disposition of such dead human body prior  
17 to final disposition or removal from the State of the body or  
18 fetus. Such permit shall be issued by the registrar of the  
19 district where death occurred or the body or fetus was found.  
20 No such permit shall be issued until a properly completed  
21 certificate of death has been filed with the registrar. The  
22 registrar shall insure the issuance of a permit for  
23 disposition within an expedited period of time to accommodate  
24 Sunday or holiday burials of decedents whose time of death  
25 and religious tenets or beliefs necessitate Sunday or holiday  
26 burials.

27 (4) A permit which accompanies a dead body or fetus  
28 brought into this State shall be authority for final  
29 disposition of the body or fetus in this State, except in  
30 municipalities where local ordinance requires the issuance of  
31 a local permit prior to disposition.

32 (5) A permit for disposition of a dead human body shall  
33 be required prior to disinterment of a dead body or fetus,  
34 and when the disinterred body is to be shipped by a common

1 carrier. Such permit shall be issued to a licensed funeral  
2 director or person acting as such, upon proper application,  
3 by the local registrar of the district in which disinterment  
4 is to be made. In the case of disinterment, proper  
5 application shall include a statement providing the name and  
6 address of any surviving spouse of the deceased, or, if none,  
7 any surviving children of the deceased, or if no surviving  
8 spouse or children, a parent, brother, or sister of the  
9 deceased. The application shall indicate whether the  
10 applicant is one of these parties and, if so, whether the  
11 applicant is a surviving spouse or a surviving child. Prior  
12 to the issuance of a permit for disinterment, the local  
13 registrar shall, by certified mail, notify the surviving  
14 spouse, unless he or she is the applicant, or if there is no  
15 surviving spouse, all surviving children except for the  
16 applicant, of the application for the permit. The person or  
17 persons notified shall have 30 days from the mailing of the  
18 notice to object by obtaining an injunction enjoining the  
19 issuance of the permit. After the 30-day period has expired,  
20 the local registrar shall issue the permit unless he or she  
21 has been enjoined from doing so or there are other statutory  
22 grounds for refusal. The notice to the spouse or surviving  
23 children shall inform the person or persons being notified of  
24 the right to seek an injunction within 30 days.  
25 Notwithstanding any other provision of this subsection (5), a  
26 court may order issuance of a permit for disinterment without  
27 notice or prior to the expiration of the 30-day period where  
28 the petition is made by an agency of any governmental unit  
29 and good cause is shown for disinterment without notice or  
30 for the early order. Nothing in this subsection (5) limits  
31 the authority of the City of Chicago to acquire property or  
32 otherwise exercise its powers under the O'Hare Modernization  
33 Act or requires that City, or any person acting on behalf of  
34 that City, to obtain a permit under this subsection (5) when

1 exercising powers under the O'Hare Modernization Act.

2 (Source: P.A. 88-261; 89-381, eff. 8-18-95.)

3 Section 94. The Illinois Aeronautics Act is amended by  
4 changing Sections 38.01 and 47 and by adding Section 47.1 as  
5 follows:

6 (620 ILCS 5/38.01) (from Ch. 15 1/2, par. 22.38a)

7 Sec. 38.01. Project applications.

8 (a) No municipality or political subdivision in this  
9 state, whether acting alone or jointly with another  
10 municipality or political subdivision or with the state,  
11 shall submit any project application under the provisions of  
12 the Airport and Airway Improvement Act of 1982, or any  
13 amendment thereof, unless the project and the project  
14 application have been first approved by the Department. No  
15 such municipality or political subdivision shall directly  
16 accept, receive, or disburse any funds granted by the United  
17 States under the Airport and Airway Improvement Act of 1982,  
18 but it shall designate the Department as its agent to accept,  
19 receive, and disburse such funds, provided, however, nothing  
20 in this Section shall be construed to prohibit any  
21 municipality or any political sub-division of more than  
22 500,000 inhabitants from disbursing such funds through its  
23 corporate authorities. It shall enter into an agreement with  
24 the Department prescribing the terms and conditions of such  
25 agency in accordance with federal laws, rules and regulations  
26 and applicable laws of this state. This subsection (a) does  
27 not apply to any project application submitted in connection  
28 with the O'Hare Modernization Program as defined in Section  
29 10 of the O'Hare Modernization Act.

30 (b) The City of Chicago may submit a project application  
31 under the provisions of the Airport and Airway Improvement  
32 Act of 1982, as now or hereafter amended, or any other

1 federal law providing for airport planning or development, if  
2 the application is submitted in connection with the O'Hare  
3 Modernization Program as defined in Section 10 of the O'Hare  
4 Modernization Act, and the City may directly accept, receive,  
5 and disburse any such funds.

6 (Source: P.A. 92-341, eff. 8-10-01.)

7 (620 ILCS 5/47) (from Ch. 15 1/2, par. 22.47)

8 Sec. 47. Operation without certificate of approval  
9 unlawful; applications.) An application for a certificate of  
10 approval of an airport or restricted landing area, or the  
11 alteration or extension thereof, shall set forth, among other  
12 things, the location of all railways, mains, pipes, conduits,  
13 wires, cables, poles and other facilities and structures of  
14 public service corporations or municipal or quasi-municipal  
15 corporations, located within the area proposed to be acquired  
16 or restricted, and the names of persons owning the same, to  
17 the extent that such information can be reasonably  
18 ascertained by the applicant.

19 It shall be unlawful for any municipality or other  
20 political subdivision, or officer or employee thereof, or for  
21 any person, to make any alteration or extension of an  
22 existing airport or restricted landing area, or to use or  
23 operate any airport or restricted landing area, for which a  
24 certificate of approval has not been issued by the  
25 Department; Provided, that no certificate of approval shall  
26 be required for an airport or restricted landing area which  
27 was in existence and approved by the Illinois Aeronautics  
28 Commission, whether or not being operated, on or before July  
29 1, 1945, or for the O'Hare Modernization Program as defined  
30 in Section 10 of the O'Hare Modernization Act"; except that a  
31 certificate of approval shall be required under this Section  
32 for construction of a new runway at O'Hare International  
33 Airport with a geographical orientation that varies from a

1 geographical east-west orientation by more than 10 degrees,  
2 or for construction of a new runway at that airport that  
3 would result in more than 8 runways being available for  
4 aircraft operations at that airport. The Department shall  
5 supervise, monitor, and enforce compliance with the O'Hare  
6 Modernization Act by all other departments, agencies, and  
7 units of State and local government.

8 Provisions of this Section do not apply to special  
9 purpose aircraft designated as such by the Department when  
10 operating to or from uncertificated areas other than their  
11 principal base of operations, provided mutually acceptable  
12 arrangements are made with the property owner, and provided  
13 the owner or operator of the aircraft assumes liabilities  
14 which may arise out of such operations.

15 (Source: P.A. 81-840.)

16 (620 ILCS 5/47.1 new)

17 Sec. 47.1. Review by Department of O'Hare Modernization  
18 Program. The Department shall monitor the design, planning,  
19 financing, and construction of the O'Hare Modernization  
20 Program as defined in Section 10 of the O'Hare Modernization  
21 Act in order to ensure that the O'Hare Modernization Program  
22 proceeds in a timely, efficient, and safe manner, and shall  
23 monitor the effects of the O'Hare Modernization Program on  
24 units of local government throughout the State. The  
25 Department shall file reports with the General Assembly as  
26 the Department deems appropriate concerning the design,  
27 planning, financing, and construction of the O'Hare  
28 Modernization Program as defined in Section 10 of the O'Hare  
29 Modernization Act, and the effects of the O'Hare  
30 Modernization Program on units of local government.

31 Section 95. The Code of Civil Procedure is amended by  
32 changing Section 2-103 and adding Section 7-103.149 as

1 follows:

2 (735 ILCS 5/2-103) (from Ch. 110, par. 2-103)

3 Sec. 2-103. Public corporations - Local actions - Libel  
4 - Insurance companies.

5 (a) Actions must be brought against a public, municipal,  
6 governmental or quasi-municipal corporation in the county in  
7 which its principal office is located or in the county in  
8 which the transaction or some part thereof occurred out of  
9 which the cause of action arose. Except as otherwise  
10 provided in Section 7-102 of this Code, if the cause of  
11 action is related to an airport owned by a unit of local  
12 government or the property or aircraft operations thereof,  
13 however, including an action challenging the  
14 constitutionality of this amendatory Act of the 93rd General  
15 Assembly, the action must be brought in the county in which  
16 the unit of local government's principal office is located.

17 Actions to recover damage to real estate which may be  
18 overflowed or otherwise damaged by reason of any act of the  
19 corporation may be brought in the county where the real  
20 estate or some part of it is situated, or in the county where  
21 the corporation is located, at the option of the party  
22 claiming to be injured. Except as otherwise provided in  
23 Section 7-102 of this Code, any cause of action that is  
24 related to an airport owned by a unit of local government,  
25 and that is pending on or after the effective date of this  
26 amendatory Act of the 93rd General Assembly in a county other  
27 than the county in which the unit of local government's  
28 principal office is located, shall be transferred, upon  
29 motion of any party under Section 2-106 of this Code, to the  
30 county in which the unit of local government's principal  
31 office is located.

32 (b) Any action to quiet title to real estate, or to  
33 partition or recover possession thereof or to foreclose a

1 mortgage or other lien thereon, must be brought in the county  
2 in which the real estate or some part of it is situated.

3 (c) Any action which is made local by any statute must  
4 be brought in the county designated in the statute.

5 (d) Every action against any owner, publisher, editor,  
6 author or printer of a newspaper or magazine of general  
7 circulation for libel contained in that newspaper or magazine  
8 may be commenced only in the county in which the defendant  
9 resides or has his, her or its principal office or in which  
10 the article was composed or printed, except when the  
11 defendant resides or the article was printed without this  
12 State, in either of which cases the action may be commenced  
13 in any county in which the libel was circulated or published.

14 (e) Actions against any insurance company incorporated  
15 under the law of this State or doing business in this State  
16 may also be brought in any county in which the plaintiff or  
17 one of the plaintiffs may reside.

18 (Source: P.A. 85-887.)

19 (735 ILCS 5/7-103.149 new)

20 Sec. 7-103.149. Quick-take; O'Hare Modernization Program  
21 purposes. Quick-take proceedings under Section 7-103 may be  
22 used by the City of Chicago for the purpose of acquiring  
23 property within the area bounded on the north, between Carmen  
24 Drive and the Union Pacific/Canadian Pacific Railroad, by Old  
25 Higgins Road, and between Old Higgins Road and Touhy Avenue,  
26 by the Union Pacific/Canadian Pacific Railroad, and east of  
27 the Union Pacific/Canadian Pacific Railroad by the northern  
28 boundary of O'Hare existing on January 1, 2003; on the east  
29 by the eastern boundary of O'Hare existing on January 1,  
30 2003; on the southeast by the southeastern boundary of O'Hare  
31 existing on January 1, 2003; on the south between the eastern  
32 boundary of O'Hare and the Union Pacific Railroad by the  
33 southern boundary of O'Hare existing on January 1, 2003; on

1 the south, between the Union Pacific Railroad and the east  
2 boundary of York Road by the Canadian Pacific railroad yard;  
3 on the west, between the Canadian Pacific Railroad Yard and  
4 the railroad spur intersecting York Road between Arthur and  
5 Pratt Avenues, by the east boundary of York Road; and on the  
6 northwest, between York Road and the Union Pacific/Canadian  
7 Pacific Railroad, by the railroad spur, and between the  
8 railroad spur and the point at which the extended eastern  
9 boundary of Carmen Drive intersects the Union  
10 Pacific/Canadian Pacific Railroad, by the Union  
11 Pacific/Canadian Pacific Railroad, and between the Union  
12 Pacific/Canadian Pacific Railroad and Old Higgins Road, by  
13 the extended eastern boundary of Carmen Drive and by Carmen  
14 Drive, for the O'Hare Modernization Program as defined in  
15 Section 10 of the O'Hare Modernization Act.

16 Section 96. The Religious Freedom Restoration Act is  
17 amended by adding Section 30 as follows:

18 (775 ILCS 35/30 new)

19 Sec. 30. O'Hare Modernization. Nothing in this Act  
20 limits the authority of the City of Chicago to exercise its  
21 powers under the O'Hare Modernization Act for the purposes of  
22 relocation of cemeteries or the graves located therein.

23 Section 98. Severability. The provisions of this Act are  
24 severable under Section 1.31 of the Statute on Statutes.

25 Section 99. Effective date. This Act takes effect upon  
26 its becoming law, and Section 95 of this Act applies to cases  
27 pending on or after the effective date."